

House Bill 647 (AS PASSED HOUSE AND SENATE)

By: Representatives Setzler of the 35th, Tumlin of the 38th, Cooper of the 41st, Johnson of the 37th, Wix of the 33rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a new charter for the City of Kennesaw, approved April 10, 1971
2 (Ga. L. 1971, p. 3620), as amended, so as to change the provisions relating to the corporate
3 limits of the city; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 **SECTION 1.**

6 An Act creating a new charter for the City of Kennesaw, approved April 10, 1971 (Ga. L.
7 1971, p. 3620), as amended, is amended by adding at the end of Section 1.02 the following:

8 "The corporate limits of the City of Kennesaw shall also include the following described
9 parcels of land:

10 TRACT NO. 1

11 All of that tract or parcel of land lying and being in Land Lot 131, of the 20th District, 2nd
12 Section, Cobb County, Georgia, and being 5.65 acres as shown on survey for Pinetree
13 Country Club, date May 3, 2004, last revised May 7, 2004, prepared by Kuykendall
14 Surveying, Inc., Tommy M. Kuykendall, GRLS #2127, and being more particularly
15 described as follows:

16 Beginning at an iron pin located at the intersection of the westerly right of way of
17 McCollum Parkway (having a variable right of way) with the northerly right of way of Ben
18 King Road (having an 80 foot right of way): thence running in a westerly direction as
19 measured along the northerly right of way of Ben King Road, the following courses and
20 distances: along the arc of a curve, an arc distance of 373.03 feet (said arc being subtended
21 by a chord bearing south 78 degrees 41 minutes 54 seconds west, a chord distance of
22 367.03 feet, and having a radius of 598.99 feet) to a point; north 83 degrees 02 minutes 43
23 seconds west for a distance of 110.89 feet to an iron pin found; north 83 degrees 02
24 minutes 43 seconds west for a distance of 110.89 feet to an iron pin found and corner;
25 thence leaving the right of way of Ben King Road and running thence north 39 degrees 46
26 minutes 22 seconds east for a distance of 203.21 feet to an iron pin; thence running north

34 degrees 27 minutes 25 seconds east for a distance of 158.91 feet to an iron pin; thence running north 37 degrees 07 minutes 11 seconds east for a distance of 126.59 feet to an iron pin; thence running north 32 degrees 36 minutes 34 seconds east for a distance of 125.61 feet to an iron pin; thence running north 10 degrees 11 minutes 42 seconds east for a distance of 201.42 feet to an iron pin; thence running north 03 degrees 32 minutes 00 seconds east for a distance of 242.05 feet to an iron pin and corner; thence running north 88 degrees 37 minutes 54 seconds east for a distance of 116.66 feet to an iron pin and corner located on the westerly right of way of McCollum Parkway; thence running in a southerly direction as measured along the westerly right of way of McCollum Parkway, the following courses and distances; south 00 degrees 30 minutes 12 seconds east for a distance of 570.80 feet to an iron pin; south 09 degrees 26 minutes 59 seconds east for a distance of 212.41 feet to the point of beginning.

The corporate limits of the City of Kennesaw shall also include the following described parcels of land:

TRACT NO. 2

All that certain piece, parcel or lot of land lying and being in Land Lot 26 of the 20th District, Cobb County, Georgia and being more fully shown and designated on a boundary survey for D.R. Horton, Inc., a Delaware Corporation & Lawyers Title Insurance Corporation, dated 8/30/2006 prepared by Hayes, James & Associates, Inc., and having the following metes and bounds to wit:

Beginning at the Land Lot corner common to Land Lots 26, 27, 50 and 51 at a 1" open top pipe found, said point being the POINT OF BEGINNING, (P.O.B.); thence turning and continuing along the line of Lake Park S/D, north 01 degrees 25 minutes 24 seconds east a distance of 402.52 feet to a #4 rebar found; thence turning and continuing along said line north 01 degrees 26 minutes 45 seconds east a distance of 466.41 feet to a #5 rebar found; thence turning and continuing along said line north 02 degrees 11 minutes 06 seconds east a distance of 117.63 feet to a #4 rebar found; thence turning and continuing along said line north 01 degrees 31 minutes 39 seconds east a distance of 166.97 feet to a #4 rebar set (said point being south 01 degrees 31 minutes 19 seconds west a distance of 7.45 feet from the centerline of creek); thence turning and continuing along a traverse line (centerline of creek is the property line) north 80 degrees 36 minutes 39 seconds east a distance of 104.19 feet to a point; thence turning and continuing along said line south 70 degrees 05 minutes 41 seconds east a distance of 388.12 feet to a point; thence turning and continuing along said line north 86 degrees 13 minutes 20 seconds east a distance of 102.95 feet to a point in the centerline of creek, said point being south 10 degrees 26 minutes 57 seconds east a distance of 11.40 feet from a 3/4" open top pipe found; thence turning and leaving centerline of creek and continuing along the line of N/F Allan south 10 degrees 26 minutes 57 seconds

1 east a distance of 555.14 feet to a #4 rebar found; thence turning and continuing along said
2 line south 10 degrees 25 minutes 33 seconds east a distance of 110.71 feet to a #4 rebar
3 found; thence turning and continuing along said line south 03 degrees 24 minutes 53
4 seconds east a distance of 33.98 feet to a #4 rebar found; thence turning and continuing
5 along said line south 02 degrees 36 minutes 05 seconds east a distance of 214.09 feet to a
6 3/4" open top pipe found on the northwest right-of-way of Hickory Grove Road (R/W
7 varies); thence turning and continuing along said right-of-way along a curve to the left with
8 a radius of 1,263.29 feet, arc length of 201.32 feet, chord bearing of south 67 degrees 20
9 minutes 03 seconds west and a chord distance of 201.10 feet to a #4 rebar set; thence
10 turning and continuing along said right-of-way along a curve to the left with a radius of
11 2,163.29 feet, arc length of 50.12 feet, chord bearing south 66 degrees 00 minutes 55
12 seconds west and a chord distance of 50.12 feet to a 1" open top pipe found; thence turning
13 and continuing along said right-of-way along a curve to the left with a radius of 1,878.33
14 feet, arc length of 137.66 feet, chord bearing of south 60 degrees 51 minutes 15 seconds
15 west and a chord distance of 137.63 feet to a 1" open top pipe found; thence turning and
16 leaving said right-of-way and continuing along the line of N/F Hickory Grove Baptist
17 Church north 86 degrees 35 minutes 27 seconds west a distance of 323.15 feet to a point;
18 thence turning and continuing along said line south 33 degrees 27 minutes 33 seconds west
19 a distance of 2.76 feet to a #4 rebar found; thence turning and continuing along said line
20 north 84 degrees 14 minutes 30 seconds west a distance of 58.24 feet to the POINT OF
21 BEGINNING and containing 16.67 acres or 726,245 square feet, more or less."

22 SECTION 2.

23 Said Act is further amended by adding at the end of Section 1.02 the following:

24 "The corporate limits of the City of Kennesaw shall no longer include the following
25 described parcels of land:

26 TRACT NO. 1

27 2423 Elmhurst Boulevard

28 All that tract or parcel of land lying and being in land lot 164 and 165 of the 20th District,
29 2nd Section of Cobb County, Georgia being 0.572 acres, Tract II-A, as per plat recorded
30 in plat book 178, page 83, Cobb County, Georgia records, which said plat is referred to.

31 Property located on Elmhurst Boulevard and referenced on attached plat dated 8-5-2002
32 prepared for David Kemp by Betterton Surveying and Design Inc. Land
33 Surveying/Planning Subdivision & Commercial site design.

34 TRACT NO. 2

35 2429 Elmhurst Boulevard

36 Lying and being located in the City of Kennesaw, County of Cobb, State of Georgia; All

1 that certain parcel or tract of land known as:

2 All that tract or parcel of land lying and being in Land Lot 164, 20th district, 2nd section
3 Cobb County, Georgia being .67 acres more or less and being more particularly described
4 as follows:

5 To find the true point of beginning, being at the intersection of the common corner of land
6 lots 164, 165, 178 and 179; thence proceeding north 90 degrees, 00 minutes, 00 seconds
7 west along the southerly boundary line of land lot 164 a distance of 7.57 feet to an iron pin
8 located on the northeasterly right-of-way of Ellis Road (50-foot R/W); thence proceeding
9 northwesterly along the northerly right of way of Ellis Road and following the curvature
10 thereof a distance of 252.77 feet to a point; thence leaving said right-of-way and
11 proceeding north 00 degrees, 44 minutes, 18 seconds east a distance of 583.89 feet to an
12 iron pin and the true point of beginning."

13 **SECTION 3.**

14 All laws and parts of laws in conflict with this Act are repealed.